



**AFFIDAVIT AND RELEASE IN SUPPORT OF
SURFACE OWNER'S APPLICATION TO
THE VIRGINIA DIVISION OF GAS AND OIL
FOR USE OF AN ORPHANED WELL AS A WATER WELL**

Va. Code § 45.1361.40 requires that the Department of Mines, Minerals and Energy, Division of Gas and Oil (herein "Division") survey, prioritize according to condition, and plug orphan wells within the Commonwealth. A Well is defined by the Virginia Gas and Oil Act (herein "Act") to be "any shaft or hole sunk, drilled, bored or dug into the earth or into underground strata for the extraction, injection, or placement of any gaseous or liquid substance, or any shaft or hole sunk or used in conjunction with such extraction, injection or placement"; however, the term well "shall not include any shaft or hole sunk, drilled, bored or dug into the earth for the sole purpose of pumping or extracting therefrom potable, fresh or usable water for household, domestic, industrial, agricultural, or public use". An Orphaned Well is defined by the Act as "any well abandoned prior to July 1, 1950, or for which no records exist concerning its drilling, plugging, or abandonment" (herein "Orphaned Well"). The Division has surveyed the location and condition of the _____, File Number _____, located at _____ in _____ County, Virginia, drilled in _____ and located on _____ property, the surface estate of which on the date hereon is owned by _____ (herein "Surface Owner") of _____ (address) _____ (herein the surface estate upon which the Orphaned Well is located is referred to as the "Property").

The Surface Owner hereby applies to the Division for reclassification of the Orphaned Well to a Water Well and for the Release of the Orphaned Well from the Division's survey/inventory of Orphaned Wells. In support of its application, the Surface Owner, who being duly sworn according to law, depose(s), say(s) and/or agrees(s) as follows:

1. That Surface Owner is the owner of the Property upon which the Orphaned Well is located, said Property has not been conveyed in trust, and Surface Owner is undisputed possession of said Property.
2. That Surface Owner is currently using the Orphaned Well to supply potable, fresh or usable water for Surface Owner's domestic and/or agricultural water supply.
3. That, if the Division, reclassifies the Orphaned Well as A water Well and releases the Orphaned Well from the Division's survey/inventory of Orphaned Wells, Surface Owner understands that such action is conditioned upon the Orphaned Well not ever being used for the extraction, injection or placement of any gaseous or liquid substance, other than for the pumping or extraction therefrom of potable, fresh or usable water for household, domestic, industrial, agriculture or public use.
4. That in consideration for the Division granting Surface Owner's application by reclassifying the Orphaned Well as a Water Well and releasing the Orphaned Well from its survey/inventory of Orphaned Wells, Surface Owner remises, releases, acquits, satisfies, and forever discharges the Commonwealth of Virginia, its officers, agents and employees, of and from any and all responsibility with respect to the Orphaned Well and from any and all claims, damages and actions of any kind or nature, whether at law or

in equity, arising from, caused by or with respect to the Orphaned Well which Surface Owner ever had, now has, or arising from, caused by or with respect to the Orphaned Well which Surface Owner ever had, now has, or which any personal representative, successor, heir or assign of said Surface Owner, hereafter can, shall or may have, against the Commonwealth of Virginia, its officers agents and or employees. Further, Surface Owner agrees to indemnify, defend and hold harmless the Commonwealth of Virginia, its officers, agents and employees from any claims, damages and actions of any kind or nature, whether at law or in equity, arising from or caused with respect to the Orphaned Well.

5. That Surface Owner makes this Application, Affidavit and Release for the purpose of inducing the Division to reclassify the Orphaned Well as a Water Well and to release the Orphaned Well from the Division's survey/inventory of Orphaned Wells established pursuant to Va. Code § 45.1-361.40.

Witness _____ Surface Owner's Signature

Witness _____

Witness _____ Surface Owner's Signature

Witness _____

STATE OF _____)

COUNTY OF _____)

On this _____ day of _____, _____, before me _____, a
(month) (year)
Notary Public, duly commissioned and qualified for the State of _____, personally appeared
_____, who, being duly sworn, declared that this annexed statement, subscribed is
true to the best of his/their knowledge and belief.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, the day and year above written.

Notary Public
My Commission Expires: _____

DIVISION APPROVAL

The Division hereby grants Surface Owner's application to reclassify the Orphaned Well as a Water Well and releases the Orphaned Well from the Division's survey/inventory of Orphaned Wells provided:

- (1) The Orphaned Well is not used for the extraction, injections or placement of any gaseous or liquid substance, other than for the pumping or extraction therefrom of potable, fresh or usable water for household, domestic, industrial, agricultural or public use; and
- (2) The Orphaned Well constitutes no environmental or safety hazard related to its previous use as a gas or oil well.

DONE AND PERFORMED _____ day of _____, _____, by Order of the
this _____ (month) _____ (year)

Virginia Gas and Oil Inspector, Department of Mines, Minerals and Energy, Division of Gas and Oil.

Virginia Gas and Oil Inspector